

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MENDEL STERN, AHARON OSTREICHER,
YOCHONON MARKOWITZ, ABRAHAM KOHN,
ISAAC SCHWIMMER, ESTHER SCHWIMMER,
JOEL SABEL, YOEL and FREIDA M.
FRIED, MELECH KRAUSS, ISRAEL OSTREICHER,

18 CV 04622 (NSR)

Plaintiffs,

against-

**PLAINTIFFS'
ANSWER TO FIRST
AMENDED
COUNTERCLAIMS**

HIGHLAND LAKE HOMEOWNERS ASSOCIATION,
ARTHUR EDWARDS, INC., ARCHWAY PROPERTY
MANAGEMENT INC., CARMINE MASTROGIACOMO,
CHRISTOPHER PERRINO, ALEX RUBANOVICH,
NANCY DIAZ and RAY TORRES,

Defendants.

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NOW COME plaintiffs and by and through their counsel state as for their
Answer to defendants' Counterclaims as follows:

1. Admit the allegations in paragraph 193
2. Deny the allegations in paragraphs 194, 200, 201, 202, 203, 204, 206, 211,
212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 223, 224, 225, 226, 227,
228, 229, 230, 231, 232, 233, 234, 235, 236, 240, 241, 242, 243, 244, 247-
269.
3. Deny information and belief sufficient to respond to paragraphs 195, 196,
197, 198, 199, 200, 205, 207, 208, 209, 210, 222, 236, 237, 238, 239, 245,
246, and 247.

4. Deny EACH AND EVERY element of the prayer for relief.

As and for a FIRST AFFIRMATIVE DEFENSE

Defendants lack standing to assert any Fair Housing Act complaint as none is in any way aggrieved and none has been denied housing opportunities by any of the alleged acts set forth in the counterclaim. Each of the counterclaimants resides in Highland Lake Estates and continues to do so.

As and for a SECOND AFFIRMATIVE DEFENSE

Defendants' first and second counterclaims fail to state a claim against any of the plaintiffs and, in fact, do not mention any of the plaintiffs with the exceptions of Stern, Kohn, Kraus and Isaac Schwimmer.

As and for a THIRD AFFIRMATIVE DEFENSE

Defendants' first and second counterclaims are frivolous as a matter of law and brought to vex and harass the plaintiffs.

As and for a FOURTH AFFIRMATIVE DEFENSE

Defendants have not alleged any compensable injury.

As and for a FIFTH AFFIRMATIVE DEFENSE

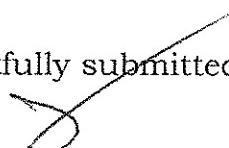
Defendants' counterclaims nowhere set forth the basis for any claim asserted under the Fair Housing Act, nowhere claims that any of the plaintiffs

have failed or refused to rent or sell property they own to defendants or have blocked in any way or burdened their exercise of any right protected by the Fair Housing Act.

WHEREFORE, the counterclaims should be dismissed and the Court should assess the attorneys' fees and costs incurred in defending against these frivolous claims against the defendants' and their counsel.

Dated: September 17, 2018

Respectfully submitted,


MICHAEL H. SUSSMAN [3497]

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